

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

SCARECROW GENE, PROMOTER AND USES THEREOF

and for which a patent application:

- ☒ is attached hereto and includes amendment(s) filed on *(if applicable)*  
☐ was filed in the United States on as Application No. *(for declaration not accompanying application)*  
 with amendment(s) filed on *(if applicable)*  
☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
08/842,445	April 24, 1997		X	
08/638,617	April 26, 1996			X

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), William S. Galliani (Reg. No. 33885), Gary S. Williams (Reg. No. 31066), Mark A. Farley (Reg. No. 33170) and Ann L. Gisolfi (Reg. No. 31956), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

**SEND CORRESPONDENCE TO:** PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711

**DIRECT TELEPHONE CALLS TO:**  
PENNIE & EDMONDS LLP DOCKETING  
(212) 790-9090

201	FULL NAME OF INVENTOR	LAST NAME BENFEY	FIRST NAME PHILIP	MIDDLE NAME N.
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.
	POST OFFICE ADDRESS	STREET 3 Washington Square Village, #6-A	CITY New York	STATE OR COUNTRY New York ZIP CODE 10012-1803
202	FULL NAME OF INVENTOR	LAST NAME Di LAURENZIO	FIRST NAME LAURA	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP Italy and Canada
	POST OFFICE ADDRESS	STREET 14 Washington Place, #5-G	CITY New York	STATE OR COUNTRY New York ZIP CODE 10003
203	FULL NAME OF INVENTOR	LAST NAME WYSOCKA-DILLER	FIRST NAME JOANNA	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.
	POST OFFICE ADDRESS	STREET 710 West End Avenue, #5-A	CITY New York	STATE OR COUNTRY New York ZIP CODE 10027
204	FULL NAME OF INVENTOR	LAST NAME MALAMY	FIRST NAME JOCELYN	MIDDLE NAME E.
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.
	POST OFFICE ADDRESS	STREET 14 Washington Place, #4-D	CITY New York	STATE OR COUNTRY New York ZIP CODE 10003
205	FULL NAME OF INVENTOR	LAST NAME PYSH	FIRST NAME LEONARD	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.
	POST OFFICE ADDRESS	STREET 14 Washington Place, #2B	CITY New York	STATE OR COUNTRY New York ZIP CODE 10003
206	FULL NAME OF INVENTOR	LAST NAME HELARIUTTA	FIRST NAME YRJO	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP Finland
	POST OFFICE ADDRESS	STREET 14 Washington Place, #8-L	CITY New York	STATE OR COUNTRY New York ZIP CODE 10003

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201  PHILIP N. BENFEY	SIGNATURE OF INVENTOR 202  LAURA DiLAURENZIO	SIGNATURE OF INVENTOR 203  JOANNA WYSOCKA-DILLER
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204  JOCELYN E. MALAMY	SIGNATURE OF INVENTOR 205  LEONARD PYSH	SIGNATURE OF INVENTOR 206  YRJO HELARIUTTA
DATE	DATE	DATE

**SEND CORRESPONDENCE TO:** PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711

**DIRECT TELEPHONE CALLS TO:**  
PENNIE & EDMONDS LLP DOCKETING  
(212) 790-9090

207	FULL NAME OF INVENTOR	LAST NAME BRUCE	FIRST NAME Wesley	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Urbandale	STATE OR FOREIGN COUNTRY Iowa	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 4625 96 <sup>th</sup> Street	CITY Urbandale	STATE OR COUNTRY Iowa	ZIP CODE 50322
208	FULL NAME OF INVENTOR	LAST NAME LIM	FIRST NAME Jun	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 4 Washington Square Village, Apt. #9K	CITY New York	STATE OR COUNTRY New York	ZIP CODE 10012
209	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
210	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
211	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
212	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

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SIGNATURE OF INVENTOR 201  WESLEY BRUCE	SIGNATURE OF INVENTOR 202  JUN LIM	SIGNATURE OF INVENTOR 203  
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204  	SIGNATURE OF INVENTOR 205  	SIGNATURE OF INVENTOR 206  
DATE	DATE	DATE